

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

THE ESTATE OF LALIAH SWAYZER, et al.

Plaintiffs,

Case No: 16-CV-1703

v.

DAVID J. CLARKE JR., et al.

Defendants.

PLAINTIFFS' EXPEDITED NON-DISPOSITIVE MOTION FOR AN EXTENSION OF TIME TO FILE EXPERT WITNESS DISCLOSURES AND REPORTS

Pursuant to Local Rule 7(h) and Fed. R. Civ. P. 16(b), Plaintiffs respectfully move this Court to Amend the Scheduling order to extend the deadline in which Plaintiffs have to file their Expert Witness Disclosures, along with reports and supporting documentation. In support thereof, Plaintiffs state as follows:

1. Plaintiffs are required to disclose the identities of expert witnesses, along with reports and supporting documentation, no later than August 15, 2018.
2. Plaintiffs have currently disclosed all expert witness and reports with the exception of Dr. Susi Vassall.
3. Dr. Vassall practices in New York, New York and has recently had some personal issues impact her work schedule.
4. Due to these personal issues, Dr. Vassall and the Plaintiffs request a short extension of time to disclose her expert report and supporting documentation.
5. Additionally, depositions and discovery has been ongoing this past week and new documents necessary for Dr. Vassall's review have just been made available to her.
6. Pursuant to Fed. R. Civ. P. 16(b)(4), a scheduling order may be modified for, "good cause and with the judge's consent."

7. The “good cause” standard primarily considers the diligence of the party seeking the amendment. *Trustmark Ins. Co. v. Gen. & Cologne Life Re of Am.*, 424 F.3d 542 (7th Cir. 2005).

8. Good cause exists in this instance as Plaintiffs have disclosed and filed all other expert witness reports and to accommodate Dr. Vassall’s personal issues and allowing her adequate time to review the recently turned over discovery.

Plaintiffs respectfully request a fifteen (15) day extension until August 30, 2018.

Dated at Wauwatosa, Wisconsin this 14th day of August, 2018.

Respectfully Submitted,

Judge, Lang & Katers, LLC
By: s/ David J. Lang
David J. Lang
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